

73-5a-502 Legislative findings -- Immunity from suit -- State engineer to set minimum standards for existing high hazard dams -- Exceptions -- Investigations and plans for compliance with minimum standards.

- (1) The Legislature finds that:
 - (a) it is in the interest of the people of the state to improve the safety of existing dams;
 - (b) mutual irrigation companies and water users associations cannot afford to bring dams into conformance with the state's current minimum safety standards without financial assistance from the state;
 - (c) due to limited financial, physical, and human resources, it is necessary to establish priorities for the upgrade of dams; and
 - (d) the state and its officers and employees are immune from suit for any injury or damage resulting from the exercise or performance or the failure to exercise or perform any function pursuant to this chapter.
- (2) The state engineer shall establish minimum standards for existing high hazard dams by rule. The standards for existing high hazard dams may differ from the design criteria established for new construction.
- (3) No seismic standards shall be established for existing high hazard dams within the flood control use classification.
- (4)
 - (a) In implementing this section, the state engineer will develop a priority list of high hazard dams. The list will be determined by calculating the relative anticipated breach flows in the event of a dam failure. The dams will be ranked from the largest breach flow to the smallest for all high hazard dams.
 - (b) The state engineer shall investigate annually 25 dams on the priority list in order of their ranking to determine in what areas they are deficient or do not meet minimum standards.
 - (c) Once a determination is made, the owner will be notified that the owner will be required to undertake investigations to determine requirements necessary to bring the dam into compliance with minimum standards.
 - (d) Once the owner has been informed of the deficiencies of the dam, the owner will be given 90 days to respond, in writing, as to what steps the owner is taking to investigate the deficiencies and the time required to complete the investigations.
 - (e) The state engineer will review the proposal, and if it appears reasonable, will approve it.
- (5) The state engineer may not require any mutual irrigation company or water users association to upgrade a dam in conformance with minimum standards, unless a grant to pay for 80% of the costs is made available from the Board of Water Resources.

Amended by Chapter 264, 1996 General Session